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Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-79; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Deployment, WT Docket No. 17-84

Dear Ms. Dortch:

On August 23, 2017, Tamara Preiss, and Andy Lachance of Verizon met with Don Stockdale, Suzanne Tetreault, Jeff Steinberg, Paul D'Ari, Garnet Hanly, Mary Claire York, and Erica Rosenberg of the Wireless Telecommunications Bureau to discuss issues raised in the above-referenced proceedings. Consistent with our comments and reply comments, we discussed impediments to wireless facility siting that Verizon has experienced and actions the Commission should take to speed wireless broadband deployment.

We discussed actions the Commission should take to remove barriers to gaining access to state and local rights-of-way and municipally owned poles, and to speed local zoning processes. The Commission should clarify that Sections 253 and 332(c)(7) of the Communications Act¹ bar state or local actions that erect substantial barriers to wireless facilities deployment, and that fees for access to rights-of-way and municipal poles that exceed cost violate Sections 253(a) and (c). We also asked the Commission to adopt a 60-day shot clock for acting on small cell applications and to deem applications granted when the applicable Section 332(c)(7) shot clock expires without action.

¹ 47 U.S.C. §§ 253, 332(c)(7).

We discussed barriers associated with historic preservation, including tribal, reviews. To address unreasonably long tribal review times, we asked the Commission to adopt a 30-day shot clock for tribal reviews. We noted that a 30-day shot clock would be consistent with the Nationwide Programmatic Agreement if it provided for more than one attempt to communicate with the reviewing tribe and provided an opportunity for consultation between the tribe and the Commission.² We asked the Commission to clarify that tribal fees are not appropriate for initial tribal reviews, and to declare that tribal fees commensurate with those paid to other cultural resources contractors are presumptively reasonable. And we asked the Commission to modify its Tower Construction Notification System (“TCNS”) to (1) require tribes to designate tribal areas of interest by county (rather than by state); (2) to review tribal designations of interest to ensure they are justified; and (3) to give carriers greater visibility into TCNS.

We discussed that the Commission has authority under Advisory Council on Historic Preservation rules to adopt several exclusions from historic preservation reviews.³ The Commission should adopt exclusions for: (1) tribal reviews for small cells that involve no new ground disturbance; (2) certain replacement non-tower structures (like utility poles); (3) certain new construction in transportation rights-of-way; (4) tribal reviews for new construction in rights-of-way and commercial zones; (5) small cells located more than 50 feet from a historic district; and (6) twilight towers.

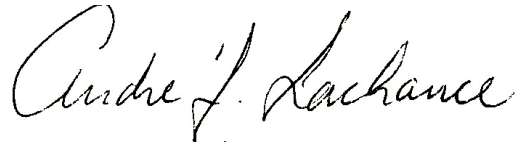
Last, we discussed that the Commission has authority to determine that some wireless facility deployment is not a “federal undertaking” and therefore does not require any historic preservation review. We urged the Commission to use this authority to find that Commission involvement in the deployment of small cells on existing infrastructure is minimal and therefore not a federal undertaking.

² *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, Report and Order, 20 FCC Rcd 1073, 1152 (2004) (codified at 47 C.F.R. Part 1, App’x C (“NPA”)), at §IV.

³ 36 C.F.R. § 800.3(a)(1) (allowing federal agencies to exclude an agency action that “is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties [are] present”).

This letter is being filed pursuant to Section 1.1206 of the Commission's Rules. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script, reading "Andre J. Lachance". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

cc: (via e-mail)
Don Stockdale
Suzanne Tetreault
Jeff Steinberg
Garnet Hanly
Paul D'Ari
Mary Claire York
Erica Rosenberg